

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 129 OF 2004

CROSBY TORCATO AND 7 ORS.,

....Appellants

Versus

MR.CRUIZINHO TORCATO AND ANR.,

....Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. A. Coutinho, advocate for the appellants.

Mr. C.A. Ferreira, advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 18th August, 2005

P.C.

Heard Mr. Lotlikar, learned Senior Counsel for the appellants and Mr. Ferreira, learned counsel for the respondents.

Both the courts below have concurrently held that the appellants/plaintiffs have failed to prove the area of their property, the area of the defendants' property and the encroachment. The findings recorded by the courts below are concluded on facts. It is admitted position that the plaintiffs did not apply to the trial Court for local inspection. It is true that before the Appeal Court an application was moved by the appellants/plaintiffs for local inspection, but the said prayer was not acceded to and in my view rightly, because no such application was moved by the appellants/plaintiffs before the trial Court.

No substantial question of law arises.

The Second Appeal is dismissed in limine.

R. M. LODHA, J.